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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 09/689,430
Examiner: Quian J. Li

First Named Applicant: Walsh
Art Unit: 1632

Status of Application: Finally rejected

Tentative Participants:

(1) Murray Sprull, Alston & Bird

(2) Kim Wietes Clary, Targeted Genetics

(3) Kathryn Coulter, Alston & Bird

(4) Catherine Pollizzi, Morrison Foerster

Proposed Date of Interview: 9/02/2003

Proposed Time: 3:00 p.m. EST

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO
If yes, provide brief description:

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) Rejection under 35 U.S.C. § 103	Claims 1, 3- 11, 13-18, 20, 58-77, 79-88, and 90-92	Dwarki <i>et al.</i> , Robbins, Pittman <i>et al.</i> , Vorachek <i>et al.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Rejection under 35 U.S.C. § 103	Claim 12	Chuah <i>et al.</i> , Gnatenko <i>et al.</i> Dwarki <i>et al.</i> , Robbins, Pittman <i>et al.</i> , Ill <i>et al.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) Rejection under 35 U.S.C. § 103	Claims 2 and 19	Dwarki <i>et al.</i> , Robbins Pittman <i>et al.</i> , Gao <i>et al.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented: The rAAV vector of claims 1-20 and 58-92 is not unpatentable under 35 U.S.C. § 103(a) because prior to the Applicants' disclosure, those of skill in the art believed that a strong promoter would be required in order to achieve therapeutic levels of expression of B-domain deleted FVIII from a gene therapy vector, and the rAAV ITR was known in the art to have low levels of transcriptional activity. The prior art does not teach or suggest the claimed invention.

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Kathryn L. Coulter
(Applicant/Applicant's Representative Signature)

[Signature]
(Examiner/SPE Signature)

Part of Paper No. 21

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